

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND)
COMPOUNDING PHARMACY, INC.) MDL No. 2419
PRODUCTS LIABILITY LITIGATION) Dkt. No. 1:13-md-2419-RWZ
_____)

This Document Relates to:)

Suits Naming Saint Thomas Outpatient)
Neurosurgical Center, LLC)

**SAINT THOMAS OUTPATIENT NEUROSURGICAL CENTER, LLC,
HOWELL ALLEN CLINIC, A PROFESSIONAL CORPORATION,
JOHN W. CULCLASURE, MD, AND DEBRA V. SCHAMBERG, RN, CNOR'S
FIRST PRIVILEGE LOG**

Pursuant to the *Order Regarding Common Issue Discovery* [Dkt. 1425], specifically Section II., C., the Defendants, Saint Thomas Outpatient Neurosurgical Center, LLC ("STOPNC"), Howell Allen Clinic, a Professional Corporation ("Howell Allen"), John W. Culclasure, MD ("Dr. Culclasure"), and Debra V. Schamberg, RN, CNOR ("Ms. Schamberg") (collectively "these Defendants"), hereby serve their privilege log following substantial completion of document production.¹

The log is attached as an exhibit to this document.

¹ Privilege asserted as to specific ESI will be done pursuant to the ESI Protocol at Dkt. 1087.

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

/s/ Chris J. Tardio

C.J. Gideon, Jr.*

Chris J. Tardio*

Alan S. Bean**

Matthew H. Cline*

315 Deaderick Street, Suite

Nashville, TN 37238

Ph: (615) 254-0400

Fax: (515) 254-0459

chris@gideoncooper.com

***Attorneys for the Tennessee Clinic
Defendants***

* Admitted pursuant to MDL Order No. 1

** Admitted *pro hac vice*.

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of November, 2014, a true and accurate copy of the foregoing was served on the PSC by electronic mail. A paper copy was served on the PSC and on the other parties below on November 20, 2014. The Defendants anticipate that the PSC will upload the privilege log to the discovery repository in the MDL:

Gerard Stranch, IV Ben Gastel Branstetter, Stranch & Jennings, PLLC 227 2nd Ave N Suite 400 Nashville, TN 37201 <i>Attorneys for the PSC</i> [via electronic mail and US Mail, to upload to repository]	Matthew P. Moriarty Thomas W. Coffey Richard A. Dean Tucker Ellis, LLP 950 Main Avenue, Suite 1100 Cleveland, OH 44113 Scott H. Kremer Tucker, Heifetz & Saltzman Three School Street Boston, MA 02108 Scott J. Tucker Paul Saltzman Matthew E. Mantalos Tucker, Saltzman & Dyer, LLP 50 Congress Street Boston, MA 02109 <i>Attorneys for Defendant Ameridose, LLC</i>
--	---

<p>Daniel M. Rabinovitz Brady J. Hermann Nicki Samson Michaels, Ward & Rabinovitz One Beacon Street , 2nd Floor Boston, MA 02108</p> <p><i>Attorneys for Defendant Medical Sales Management, Inc.</i></p>	<p>John P. Ryan Robert H. Gaynor William J. Dailey, Jr. Sloane and Walsh, LLP Three Center Plaza Boston, MA 02108</p> <p><i>Attorneys for Gregory Conigliaro, Registered Agent for Service of Process for Medical Sales Management SW, Inc.</i></p>
<p>Joseph P. Thomas Ulmer & Berne, LLP 600 Vine Street, Suite 2800 Cincinnati, OH 45202</p> <p>Joshua A. Klarfeld Ulmer & Berne, LLP 1660 W.2nd Street, Suite 1100 Cleveland, OH 44113</p> <p><i>Attorneys for Defendant GDC Properties Management, LLC</i></p>	<p>Kenneth B. Walton Kristen R. Ragosta Donovan Hatem, LLP Two Seaport Lane, 8th Floor Boston, MA 02210</p> <p><i>Attorneys for Defendant ARL Bio Pharma</i></p>

<p>John P. Ryan Robert H. Gaynor William J. Dailey, Jr. Sloane and Walsh, LLP Three Center Plaza Boston, MA 02108</p> <p><i>Attorneys for Defendants Barry J. Cadden, Lisa Conigliaro Cadden, Gregory Conigliaro, Carla Conigliaro, Douglas Conigliaro and Glenn A. Chin</i></p> <p>Bruce A. Singal Michelle R. Peirce Callan G. Stein Donague, Barrett & Singal, P.C. One Beacon Street , Suite 1320 Boston, MA 02108</p> <p><i>Attorneys for Defendants Barry J. Cadden and Lisa Conigliaro Cadden</i></p>	<p>James Rehnquist Abigail K. Hemani Roberto M. Braceras Goodwin Procter LLP Exchange Place 53 State Street Boston, MA 02109</p> <p><i>Attorneys for Unifirst Corporation a/d/b/a Uniclean Cleanroom Services</i></p>
--	---

<p>Frederick H. Fern Judi Abbott Curry Jessica Saunders Eichel Alan M. Winchester Harris Beach PLLC 100 Wall Street 23rd Floor New York, NY 10005</p> <p>Geoffrey M. Coan Daniel E. Tranen Hinshaw & Culbertson LLP 28 State Street 24th Floor Boston, MA 02109</p> <p>Michael R. Gottfried Thomas B.K. Ringe, III Jennifer Mikels Duane Morris LLP 100 High Street Suite 2400 Boston, MA 02110-1724</p> <p><i>Attorneys for NECC</i></p>	<p>Marcy H. Greer Alexander Dubose Jefferson & Townsent 515 Congress Ave. Suite 2350 Austin, TX 78701</p> <p>Yvonne K. Puig Eric Hoffman Fulbright & Jaworski L.L.P. 98 San Jacinto Blvd. Suite 1100 Austin, TX 78701</p> <p>Sarah P. Kelly Nutter, McClennen & Fish, LLP Seaport West 155 Seaport Boulevard Boston, MA 02210-2604</p> <p><i>Attorneys for the Saint Thomas Entities</i></p>
---	---

/s/ Chris J. Tardio

Chris J. Tardio

EXHIBIT

STOPNC, et al. Privilege Log

Document Type	Date Created	Author(s)	Recipient(s)	Privilege Asserted
Medical Executive Committee minutes containing physician credentialing information, results of internal quality check programs, accreditation survey results, changes to policies and procedures, <i>etc.</i>	February 2010 – November 2012	Debra Schamberg; Tina Sullivan	N/A	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272
Logs documenting internal quality checks, including drug expiration checks and operating room temperature and humidity checks	January 2011 – April 2013	Cindy McClendon; Greta Hallman; Sandy Littleton; Linda Forrest	Debra Schamberg	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272
Notes (handwritten and typewritten) created by STOPNC staff members when documenting efforts to notify patients of their receipt of NECC MPA, including some notes regarding patient admissions after receipt of recalled NECC medication; kept at the instruction of counsel	September 2012 – December 2012	Debra Schamberg; Greta Hallman; Cindy McClendon; and other STOPNC staff members (most of the notes are unsigned)	N/A	Work-Product Doctrine; HIPAA; Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272
All emails and documents to or from STOPNC's pharmacist consultant, Michael O'Neal, RPh related to his services as pharmacy consultant	2000-	Debra Schamberg; Cindy McClendon; Michael O'Neal	Debra Schamberg, Cindy McClendon, Michael O'Neal	Work-Product Doctrine; Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272
A handwritten note documenting Debra Schamberg, RN's consultation with pharmacist Patricia Beckham, RPh regarding whether to send patient names to NECC as requested by Mario Giamei	2012 (est.)	Debra Schamberg	N/A	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272
A letter from the Tennessee Department of Health's Board of Licensing Health Care Facilities survey of STOPNC following the 2012 NECC recall related to the fungal meningitis outbreak	April 5, 2013	Shirley Jones, RN of the Tennessee Department of Health's Board of Licensing Health Care Facilities	Debra Schamberg	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272
Minutes from a STOPNC staff quality improvement meeting held on October 11, 2012, to review safe injection practices and STOPNC's updated policy regarding same	October 11, 2012	Debra Schamberg	N/A	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272

STOPNC MedAsset contract	June 29, 2005	MedAsset; Mark Mason	N/A	Confidentiality provision in contract
Handwritten notes on Medication Management chapter from the Joint Commission's 2009 Comprehensive Accreditation Manual for Ambulatory Care regarding internal evaluation of STOPNC's compliance with various provisions in the chapter	2009 (est.)	Cindy McClendon	N/A	Quality Improvement Privilege, Tenn. Code Ann. § 68-11-272